IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No.1047 OF 2003
IN
APPEAL FROM ORDER No.738 OF 2003
IN
SPECIAL CIVIL SUIT No. 40 OF 2003

Maharashtra State Electricity Board ... Applicant.

Vs.

Hanil Era Textile Ltd. ... Respondent

Mr. Gaurav Joshi i/b Little & Co. for applicant.
Mr. Santosh Shetti for M. M. Vanshi, for respondent.

CORAM : A. M. KHANWILKAR,J.
DATE : April 3, 2006.

P.C.

. Appeal is already admitted in terms of order January 9, 2006. On the same day, this Court granted ad-interim order, continuing the interim relief granted earlier on 17th September, 2003. This Application is listed today for confirmation of interim relief, till the pendency of Appeal.

2. Counsel for the respondent submits that nothing would survive for consideration in the present appeal as the suit itself is worked out. He submits that the respondent is taking steps to withdraw the suit, as the tripartite agreement has

come to an end by efflux of time. Till respondent takes steps to withdraw the suit, in my opinion, the appropriate recourse is to continue the ad interim order granted earlier till disposal of the appeal.

2. If the respondent withdraws the suit pending before the Trial Court, it will be open to the petitioner to apply for withdrawal of the appeal, on the basis of that order.

3. This Civil Application is allowed in terms of prayer Clause (a).

[A. M. KHANWILKAR, J.]